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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/13/2002

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EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,434

Applicant(s)

AGGARWAL ET AL.

Examiner

Tim Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This non-final action is in response to the amendment filed June 27, 2002. Claim 7 has been cancelled. Claims 1-6 and 8-10 are pending.

Claim Rejections - 35 USC § 112

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8-10 depend from cancelled claim 7. Thus, the scope of claims 8-10 is indefinite. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

4. **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 6,035,288) in view of Franklin et al. (US 6,125,352).**

Regarding claim 1, Solomon teaches a computer assisted on-line negotiation method in which an on-line e-commerce site can negotiate with a customer based on his or her dynamic profile comprising the steps of:

generating by an on-line e-commerce site off-line static customer profiles based on past history that the site has about various customers, including multiple value attributes (col. 1, line 67; col. 2, lines 1-5; and col. 3, lines 12-14 and 43-52);

assigning by the on-line e-commerce site a static customer profile to a new customer visiting the on-line e-commerce site, the initial assignment to a profile being based on whatever information is available about the customer at the time of assignment (col. 3, lines 60-64; and col. 4, lines 1-7);

negotiating by the on-line e-commerce site with the customer based on a dynamically changing profile of the customer (col. 1, lines 44-61; col. 3, lines 60-67; col. 4, lines 63-67; and col. 5, lines 1-19); and

changing by the on-line e-commerce site the customer's dynamically changing profile during negotiations based on a observed behavior of the customer (col. 4, lines 1-7).

Solomon does not teach capturing by the customer the on-line e-commerce site's actions and formulating by the customer a profile of the on-line e-commerce site. However, Franklin et al. teach selectively selecting and storing product information on a client-side database (col. 7, lines 34-41). At the time of the applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Solomon to include the limitations of Franklin et al. because capturing by the customer the on-line e-commerce site's actions and formulating by the customer a profile of the on-line e-commerce site would provide the customer with increased bargaining power since he would be informed the e-commerce site's likely response to an offer made during the negotiation.

Regarding claim 2, Solomon further teaches a computer assisted on-line negotiation method further comprising the step of updating past history information based on the negotiations with the customer (col. 4, lines 1-7).

Regarding claim 3, Solomon further teaches a computer assisted on-line negotiation method wherein the attributes included in the past history information include non-quantitative information (col. 4, lines 1-7).

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 6,035,288) in view of Franklin et al. (US 6,125,352) and Gerace (US 5,991,735).

Regarding claim 4, Solomon and Franklin et al. teach all the limitations discussed under claim 3 above. Solomon and Franklin et al. do not specifically teach a computer assisted on-line negotiation method wherein the non-quantitative information includes season and time of day. However, Gerace teaches creating a customer profile wherein the profile comprises the date and time when the customer accessed a particular website (col. 7, lines 4-47). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Solomon and Franklin et al. to include the teachings of Gerace. Including the step of updating past negotiation history information with non-quantitative information including season and time of day would provide the e-commerce website with greater bargaining power because the e-commerce site would have a means for estimating a customer's needs at a particular time.

Regarding claim 5, Solomon and Franklin et al. teach all the limitations discussed under claim 1 above. Solomon and Franklin et al. do not specifically teach a computer assisted on-line negotiation method further comprising the steps of: capturing by the on-line e-commerce site direct interactions by the customer with the on-line e-commerce site, said direct interactions including the customer's "click-through stream" and other direct interaction with the on-line e-commerce site, and analyzing said direct interactions with the on-line e-commerce site to update the customer's dynamic profile. Gerace teaches recording the link from which the customer accesses an on-line targeted advertising system (col. 7, lines 4-47). Gerace also teaches storing each click of a customer's mouse to record a user's motion and movements during a session with the targeted advertising system (Id.). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Solomon and Franklin et al. to include the teachings of Gerace. By capturing by the on-line e-commerce site the customer's "click-through stream" and other direct interaction with the on-line e-commerce site and analyzing the interaction with the on-line e-commerce site to update the customer's dynamic profile, the e-commerce site would be informed of which items the customer finds most interesting. Thus, the e-commerce site would be afforded greater bargaining power by knowing the customer's preferences.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 6,035,288) in view of Franklin et al. (US 6,125,352) and Dedrick (US 5,717,923).

Solomon and Franklin et al. teach all the limitations discussed under claim 5 above. Solomon and Franklin et al. do not teach a computer assisted on-line negotiation method wherein the other direct interaction includes the customer's voice and physical actions. Gerace teaches recording a user's motions/movements through a website (col. 7, lines 16-29). Dedrick teaches an input means for modifying a customer's profile using a voice input means (col. 5, lines 16-33). At the time of the applicant's invention, it would have been obvious to one having ordinary skill in the art, to modify the method of Solomon and Franklin et al. to include the teachings of Gerace and Dedrick. Recording a customer's direct interaction, including the customer's voice and physical actions, the e-commerce site would be informed of the mood of the customer thereby allowing e-commerce site to take into account the customer's mood during negotiations.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 6,035,288) in view of Birkhead (Birkhead, E., "Digging with Gopher," LAN Computing, Vol. 5, no. 4 (April 1994) p. 23).

Regarding claim 8, Solomon teaches all the limitations discussed under claim 7 above. Solomon does not specifically teach an on-line negotiation method further comprising the steps of storing by the customer a formulated profile of the on-line e-commerce site in a database of on-line e-commerce site profiles and accessing the on-line e-commerce site from the database by the customer to begin negotiations with the on-line e-commerce site. Birkhead teaches having a network user establish personal bookmarks that connect to frequently-used services and applications (page 1). At the

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time of the applicant's invention, it would have been obvious to one having ordinary skill in the art, to modify the method of Solomon, to include the teachings of Birkhead. By adding the steps of storing by the customer a formulated profile of the on-line e-commerce site in a database of on-line e-commerce site profiles and accessing the on-line e-commerce site from the database by the customer to begin negotiations with the on-line e-commerce site, the Solomon method would have the ability to provide customers with quick access to the on-line e-commerce website. Moreover, storing by the customer a formulated profile of the on-line e-commerce site in a database of on-line e-commerce site profiles would prevent the customer from losing the URL associated with the on-line e-commerce website.

Regarding claim 9, Solomon further teaches a computer assisted on-line negotiation method recited further comprising the step of dynamically modifying by the customer the on-line e-commerce site's profile during negotiations with the on-line e-commerce site based on actions by the on-line e-commerce site (col. 4, lines 16-32 and 63-67; and col. 5, lines 1-7).

Regarding claim 10, Solomon teaches a computer assisted on-line negotiation method wherein actions by the on-line e-commerce site on which the site's profile is dynamically modified include offering of terms, said terms including prices of items for sale, packaged deals and bonuses (col. 4, lines 63-67; and col. 5, lines 1-20).

Response to Arguments

8. Applicant's arguments filed June 27, 2002 have been fully considered but they are not persuasive.

9. With respect to claim 7, applicants contend that Solomon (US 6,035,288) does not teach human-computer interfaces on both sides of the negotiation as described at page 6, lines 12-15 and page 16, lines 1-3. However, claim 7 fails to recite this limitation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the specification discloses that the invention "may involve human-computer Interfaces on both sides." (Page 6, lines 13 and 14, emphasis added). Thus, even if claim 7 were interpreted in light of the specification, human computer interfaces are not necessarily appurtenant to the claim.

10. Regarding claims 8-10, the applicants argue that Birkhead simply teaches storing web addresses of an e-commerce site. This, applicants contend, says nothing about the e-commerce site profile. The examiner respectfully disagrees. Bookmarking an e-commerce site involves storing a web address in a designated database file. For example, a user may bookmark an e-commerce site that sells computer components in a file labeled "computer vendors." This creates a profile of the e-commerce site in that information about the e-commerce site's line of business is both stored and conveyed. More specific vendor profiles could be created depending upon the needs of the user; a

user could well designate a file for computer vendors who offer a line of credit. Thus, Birkhead's teaches storing a profile of an e-commerce site.

11. The remainder of applicants' arguments are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flake et al. (US 5,832,451) 3 November 1998; Automated travel management service with a relational database comprising business entity and customer profiles

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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Tim Brown
Examiner
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tb
September 6, 2002


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